

ATTN: *From Gail Norton* *STANB*
Working to Protect Native Species and Their Habitats

P.O. Box 1512, Laramie, WY 82073 (307) 742-7978 fax: 742-7989

BY CERTIFIED MAIL
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FISH & WILDLIFE
ECOLOGICAL SERVICES

January 13, 2004

Gail Norton
Secretary of the Interior
1849 C Street, NW
Washington, DC 20240

Steven Williams
Director, U.S. Fish and Wildlife Service
1849 C. Street, NW
Washington, D.C. 20240

Re: **Sixty-Day Notice of Intent to Sue for Violation of Section (4)(b)(3)(A) of the Endangered Species Act With Respect to the Petition to List the Black Hills Mountainsnail (*Oreohelix cooperi*) and to Designate Critical Habitat**

Dear Secretary Norton and Director Williams:

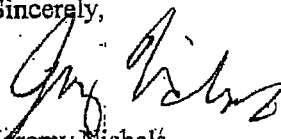
Pursuant to the citizen suit provision of the Endangered Species Act ("ESA"), 16 U.S.C. § 1540(g)(2), Biodiversity Conservation Alliance, Center for Native Ecosystems, Native Ecosystems Council, Prairie Hills Audubon Society of Western South Dakota, The Xerces Society, and Jeremy Nichols hereby give notice of intent to file suit after 60 days for your failure to respond to the petition to list the Black Hills mountainsnail (*Oreohelix cooperi*) as a threatened or endangered species. Section 4 (b)(3)(A) of the ESA requires the Secretary of the Interior, to the maximum extent practicable, within 90 days after receiving a petition, to make an initial finding as to whether the petition presents substantial information indicating that the petitioned action may be warranted. 16 U.S.C. § 1533 (b)(3)(A).

On September 23, 2003, the above-mentioned organizations submitted a formal petition to list the Black Hills mountainsnail as a threatened or endangered species. Certified mail receipts indicate that the Secretary of the Interior received this petition on September 30, 2003 and that U.S. Fish and Wildlife Service Director Steven Williams received this petition on September 29, 2003. Accordingly, the 90-day finding was due on or about December 28, 2003.

We are providing this letter to you pursuant to the 60-day notice requirement of the citizen suit provision of the ESA. 16 U.S.C. § 1540(g)(2)(C). You have not made the required 90-day finding on the petition to list the Black Hills mountainsnail, and thus are in violation of a mandatory duty under the ESA. If you do not make the required finding on the Black Hills mountainsnail within the next sixty days, we intend to file suit in order to compel you to do so. If you have any intention of making the required 90-day finding within the next few months please inform us immediately. Please feel free to contact the

undersigned at the phone and address listed below and on this letterhead to discuss this matter if you have reasonable plans to comply with the law or believe any of the above information is incorrect.

Sincerely,


Jeremy Nichols
Biodiversity Conservation Alliance
PO Box 1512
Laramie, WY 82073
(307) 742-7978
jeremy@voiceforthewild.org

cc: Jay Tutchton
Jacob Smith, Center for Native Ecosystems
Brian Brademeyer, Native Ecosystems Council
Nancy Hilding, Prairie Hills Audubon Society of Western South Dakota
Scott Hoffman Black, The Xerces Society
Ralph Morgenweck, Regional Director, Mountain-Prairie Region, U.S. Fish and Wildlife Service

